

House File 2363 - Reprinted

HOUSE FILE 2363
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 2226)

(As Amended and Passed by the House March 2, 2016)

A BILL FOR

1 An Act relating to member attendance and confidentiality
2 at a closed session of a governmental body and providing
3 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 21.5, Code 2016, is amended by adding the
2 following new subsections:

3 NEW SUBSECTION. 3A. A governmental body shall not exclude
4 a member of the governmental body from attending a closed
5 session, unless the member's attendance at the closed session
6 creates a conflict of interest for the member due to the
7 specific reason announced as justification for holding the
8 closed session.

9 NEW SUBSECTION. 3B. A member of a governmental body shall
10 keep confidential all information relating to all discussions
11 and action occurring at a closed session which relate to the
12 specific reason announced as justification for the closed
13 session.

14 Sec. 2. Section 21.6, subsection 1, Code 2016, is amended
15 to read as follows:

16 1. The remedies provided by [this section](#) against state
17 governmental bodies and members of governmental bodies shall be
18 in addition to those provided by [section 17A.19](#). Any aggrieved
19 person, taxpayer to, or citizen of, the state of Iowa, or
20 the attorney general or county attorney, may seek judicial
21 enforcement of the requirements of [this chapter](#). Suits to
22 enforce [this chapter](#) shall be brought in the district court for
23 the county in which the governmental body has its principal
24 place of business.

25 Sec. 3. Section 21.6, Code 2016, is amended by adding the
26 following new subsection:

27 NEW SUBSECTION. 3A. In addition to any other penalties
28 provided for in this chapter, upon a finding by a preponderance
29 of the evidence that a member of a governmental body has
30 violated section 21.5, subsection 3B, a court shall assess the
31 member damages in the amount of not more than one thousand
32 dollars.